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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,509	01/28/2004	Maurice Granger	1759.152	3483

23405 7590 07/19/2006

HESLIN ROTHENBERG FARLEY & MESITI PC  
5 COLUMBIA CIRCLE  
ALBANY, NY 12203

EXAMINER
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ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/766,509

Applicant(s)

GRANGER, MAURICE

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01/28/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/28/04</u> . | 6) <input type="checkbox"/> Other: _____  |

*Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “10.1” has been used to designate both a radial cavity and a spindle. See page 7, lines 7 and 14. Reference character “27” has also been used to designate both a fixed point and a movable cam. See page 7, line 36 and page 8, line 6. Reference character “18” has also been used to designate both a fixed point and a movable cam. See page 7, line 3 and page 10, line 7. Reference character “10” has also been used to designate both a drum and a first ring. See page 11, lines 5-7.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: “20.1”. See page 7, line 29.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

3. The disclosure is objected to because of the following informalities: “Said second

drum” should be --The second drum-- and “Said flap” should be --The flap--. See page 7, line 14 and page 8, line 37. It should be noted that any “said” should be --the --in the entire specification. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, “An automatically cutting dispensing appliance for wiping material, of the type comprising” is confusing. It is not clear what “of the type” means. It is not clear what structure the phrase “of the like” encompasses. It should be noted that the phrase “of the type” similar to the phrases “or the same type” and “or the like” renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claim 1, “a base housing with a back face and a lower face and receiving an articulate lid” is confusing. It is not clear whether the basic housing or the lower face receives an articulating lid. Regarding claim 1, “two drums arranged side by side, without direct contact between them” is not accurate. The guide drum 10 has gears on its shaft that are engaged with the gears on the shaft of the blade drum 9. In fact gear, specification recites, “the rotation of the drum (9) which meshes with the drum (10) by means of respective first

and second rings (10-11).” See page 11, lines 3-7. This is considered as a direct contact between the drums.

Regarding claim 1, said drums are designed, at one of their ends facing one another, for receiving first and second toothed rings allowing their connection and rotation with respect to one another” is confusing. It is not clear whether the one of the ends of the drums receive the toothed rings or not. It is not clear how the drums are designed. It appears that the claims should recite --said drums are designed to have first and second toothed rings at one of their ends facings one another to allow the drums connect to each other and rotate with respect to one another--.

Regarding claim 1, “a third toothed ring cooperating with a mechanism for starting rotation of the drums, said mechanism including a fixed cam, and a blade carrier arm is designed with transmission means making it possible to implement functioning of a movable cam allowing emergence of a cutting blade from said first drum” is confusing. It should be noted that the mechanism for starting the rotation of the drums is not the same mechanism that allows emergence of the cutting blade from the first drum. In other words, the mechanism for moving the blade cannot rotate the drums. It appears that the mechanism for moving the blade should be claimed separate from the mechanism that rotate the drums. These two mechanisms are coupled to one another, but the mechanism for rotating the drums does not include a fixed cam. The mechanism that rotates the drums is the first and second toothed rings. It is also not clear how the transmission means allows the blade to emerge from the first drum. The functions of the transmission means, fixed cam, and movable cam

have not been claimed properly, and it is not clear how these parts function together to allow the emergence of the blade from the first drum.

Regarding claim 1, the fixed and movable cams cooperate with one another, at the same time defining a path of the cutting blade, and flaps ensure guiding of a strip of material in the appliance for the purpose of cutting said strip of the material according to a specific format” is confusing. Firstly, it is not clear what is the path of the blade. The path of the blade should be defined. For example, the path of the cutting blade should be defined as a path that the cutting blade moves from a first position to a second position. Secondly, the claim does not specify where the flaps guide to the strip of material. It appears that the claim should recite --flaps for guiding a strip of material towards the cutting blade, wherein the strip of material is cut according to the shape of the cutting blade--. The term, “a specific format” is not clear. It is not clear what defines a specific format.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Claims should be re-written in a clear language.

#### *Comment*

6. It is noted that claims 1-19 have not been rejected over prior art. It appears that the independent claim 1 reads over the cited prior art. However, in view of the issues under 35 U.S.C. 112, second paragraph, the allowability of the claimed subject cannot be commented on at this time.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Granger (2002/0152871), Granger (2002/0030075), Granger (2001,0045149), Granger (4,846,035), Deluca (4,404,880), Kapiloff et al. (6,684,751), Walsh et al. (2,278,029), Granger (6,450,076), Granger (6,363,824), Granger (5,836,862) teach a automatically cutting dispensing appliance for wiping material.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GA/ga

July 7, 2006

A handwritten signature in black ink, appearing to read 'B. Ashley', with a stylized flourish at the end.

**BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER**